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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,378	03/16/2006	Kazuyoshi Koizumi	NIF-107	5660

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KANESAKA BERNER AND PARTNERS LLP
1700 DIAGONAL RD
SUITE 310
ALEXANDRIA, VA 22314-2848

EXAMINER

RASHID, MAHBUBUR

ART UNIT	PAPER NUMBER
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3683

MAIL DATE	DELIVERY MODE
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01/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/572,378	Applicant(s) KOIZUMI ET AL.	
	Examiner Mahbubur Rashid	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 3-13 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1 and 3 are amended.

Claims 5-13 are added as new claims.

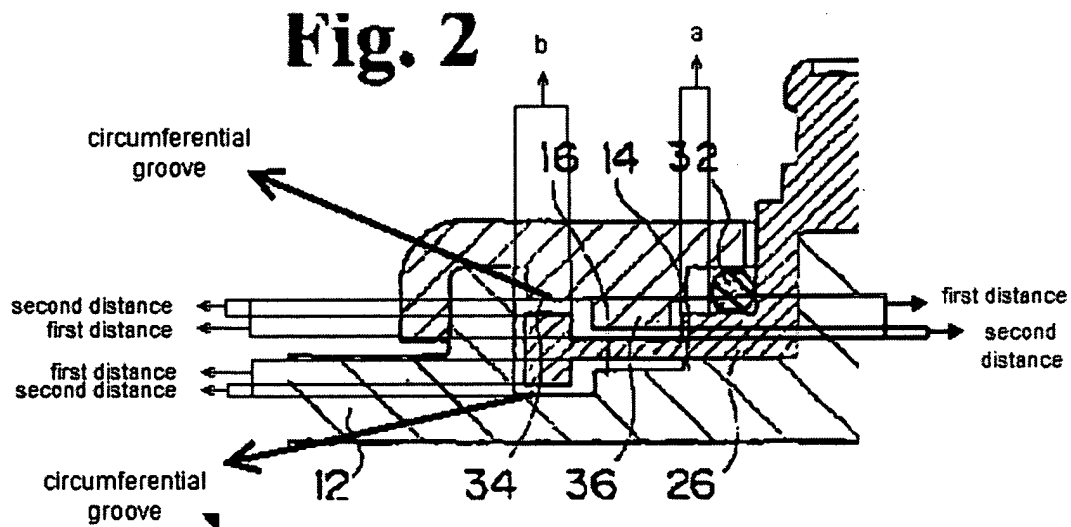
Claim Rejections - 35 USC § 102

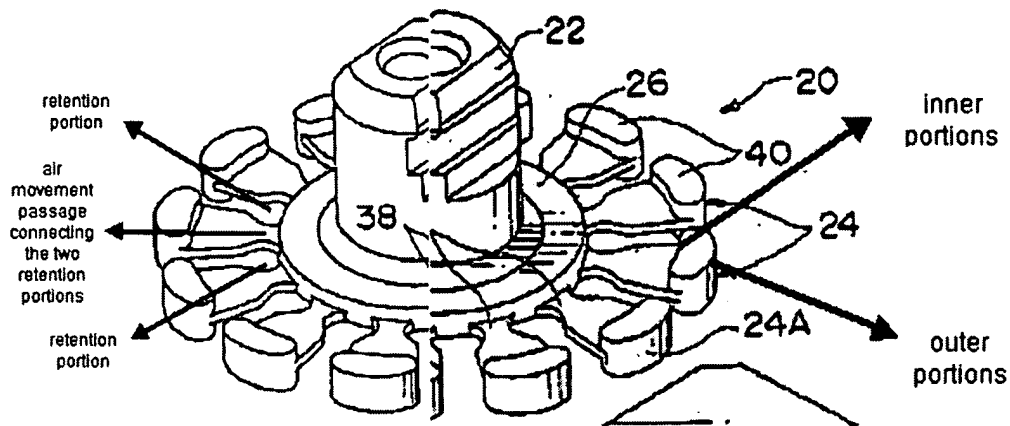
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, and 11-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Hayashi (US 2004/0045398 A1).





Regarding **claim 1**, Hayashi discloses a rotary damper (fig. 2) Comprising:

a housing (fig. 2, (10) and (28));

a viscous fluid ([0048]-[0050]) housed inside the housing;

a rotor (fig. 2, (20)) having a resistive portion (fig. 2, (24)) which moves through said viscous fluid inside said housing is provided in an axial portion whose one part projects from said housing (fig. 2, (10)); and

a sealing member (fig. 2, (32)) preventing said viscous fluid from leaking between said axial portion and said housing ([0037]), and

wherein said resistive portion includes multiple air retention portions (the opening between each (24) in fig. 3; see also figure above) provided in a circumferential direction, and air movement passages (fig. 2, (38)) connecting two of the air retention portion retention portions provided in the circumferential direction (see figure above) ,

and

said housing (fig. 2, (10) and (28)) has an inner surface facing the resistive portion (fig. 2, (24)), A first distance between the air movement passage (fig. 2, (38)) of

the resistive portion and a part of the inner surface directly facing thereto, and a second distance between a portion of the resistive portion radially away from the air movement passage (fig. 2, (38)) and a part of the inner surface directly facing thereto, said second distance being less than the first distance (see figure above).

Re-claim 3, see multiple air retention (the opening between each (24) in fig. 3) and air movement passage (fig. 2, see recess at the (24)).

Re-claim 4, see multiple air retention portions (the opening between each (24) in fig. 3).

Re-claim 5, see the radially inner and outer portions (fig. 1; see also the figure above).

Re-claim 6, see a disc shape resistive portion (fig. 3).

Re-claim 7, see a circumferential groove (fig. 2; see also figure above).

Regarding **claim 11**, Hayashi discloses a rotary damper (fig. 2) Comprising:

a housing (fig. 2, (10) and (28));

a viscous fluid ([0048]-[0050]) housed inside the housing;

a rotor (fig. 2, (20)) having a resistive portion (fig. 2, (24)) which moves through said viscous fluid inside said housing is provided in an axial portion whose one part projects from said housing (fig. 2, (10)); and

a sealing member (fig. 2, (32)) preventing said viscous fluid from leaking between said axial portion and said housing ([0037]), and

wherein said resistive portion includes multiple air retention portions (the opening between each (24) in fig. 3; see also figure above) provided in a circumferential

direction, and said housing (fig. 2, (10) and (28)) includes a circumferential groove (fig. 2; see also figure above) facing the air retention portions (the opening between each (24) in fig. 3) and operating as an air movement passage (fig. 2, see recess at the (24)) connecting two of the air retention portions (see figure above).

Re-claim 12, see the radially inner and outer portions (fig. 1; see also the figure above).

Re-claim 13, see a disc shape resistive portion (fig. 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 2004/0045398 A1) in view of Hiroyuki (JP 07-317820).

Regarding **claims 8-10**, Hayashi discloses all claimed elements but fails to disclose a through-bore completely surrounded by a periphery formed air retention portions. However, Hiroyuki discloses similar air retention portions (fig. 1, (6)) being formed by a through-bore completely surrounded by a periphery (fig. 1, (6) and (6h)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the air retention portions of Hayashi by a through-bore completely surrounded by a periphery as taught by Hiroyuki, because a large load stably will be generated, and any risk of leakage of a viscous fluid will be eliminated even though a rotor rotates at a high speed.

Response to Arguments

Applicant's arguments filed 11/05/2007 have been fully considered but they are not persuasive.

Regarding claim 1 on page 7 of the remarks, the applicant argues that Hayashi does not disclose the first distance and the second distance as claimed. The examiner disagrees because the examiner has made the broadest reasonable interpretation of the limitation "a part of the inner surface" to mean that any part of the inner surface of the housing. With this interpretation of the limitation, the examiner submits that Hayashi clearly discloses the first and second distances as claimed (see fig. 2; see also figure above). The examiner notes that the applicant is referring the housing as the reference

number 54, where in the specification and figures the housing is recited as the reference number 11 and a cap is recited as the reference number 54.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahbubur Rashid whose telephone number is (571) 272-7218. The examiner can normally be reached on M-F.

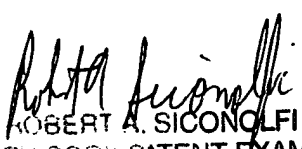
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mhr

 1/10/08
ROBERT A. SICONOLFI
SUPERVISORY PATENT EXAMINER